

UNITED STATE DISTRICT COURT
DISTRICT OF NEW MEXICO

DATE: JAN 28, 29, 30, 2003
FEB 6 & 7, 2003

TIME: 9.30 a.m.

CLERK'S MINUTES OF HEARING

HEARING BEFORE: () Senior Judge E L. Mechem
(X) Vickie L. Gabin, Special Master

CASE NAME & NUMBER: STATE OF NEW MEXICO v. STATE ENGINEER V. ARAGON

69CV07941-JEL-ACC, CHADIA ADDENDUM
SECTIONS 5, RIO GALLINA DISPUTED SUBFILES

COUNSEL:

PLAINTIFF:

EDWARD G. NEWVILLE

DEFENDANTS:

HILARY E. HUMPHREY

SEE ATTACHED LIST

NOTES: RE: ORDER # 7005 filed 1-7-03 and Order # 7014 filed 1-13-03
(amending # 7005). Hearings held at USOC - same time & date
dates as scheduled in Order # 7005 and # 7014 such the
advisorial date of February 6, 2003.

Hearings proceeded according to Pretrial Order # 7023,
filed 1-21-03, with some variations in schedule and
changes in witnesses listed in that a few witnesses
were not available to testify.

1) Testimony relevant to all the disputed subfiles was
received from expert witnesses for defendants and the
State on the matter of water availability for irrigation in the
Rio Gallina and Rio Capulin areas.

2) Claimants and irrigators testified to conditions and
hydrological practices on lands designated subfiles: CHADIA 0003 & 0004.

COURT REPORTERS:

JAN 28, 2003.

IRENE DELGADO

JAN 29 & 30, FEB 6 & 7, 2003

CONNIE JURADO

PAUL BACA PROFESSIONAL COURT REPORTERS

500 4th ST. NW, SUITE 105

P.O. Box 1868, ALBUQUERQUE, N.M. 87103

(505) 843-9241 FAX (505) 843-9242

OTHERS ATTENDING:

SEE ATTACHED
LISTS

7052

State witnesses presented findings from their investigations of subject properties; expert testimony from both plaintiff and defendants.

3) Claimant for Subfiles CHGA-004-0003 through CHGA-003-0005 testified as to conditions on tracts and as to efforts to repair irrigation structures.

State presented testimony of ASE employees who investigated claimant's tracts; issue of possible abandonment of water rights.

4) On subfile CHGA-003-0019 testimony was presented on the issue of whether irrigation water was put to beneficial use.

5) The issues in regard to Subfile CHGA-003-0007 are the questions of whether a water right has been used to irrigate part of a single property; if there has been an illegal change in the point of diversion and if there has been an abandonment of a water right.

6) Findings of fact and conclusions of law are due to be filed within 45 days of the filing of trial transcript.

7) A list of witnesses who testified and exhibits admitted during the trial is attached to these minutes.

8) A list of attorneys and interested parties for Chama Section 5 is attached to these minutes; also attached are attendance sheets for each day of trial.

THE EXHIBITS ATTACHED TO THIS
PLEADING ARE TOO VOLUMINOUS TO
SCAN. SAID EXHIBITS ARE ATTACHED
TO THE ORIGINAL PLEADING IN THE
CASE FILE WHICH IS LOCATED IN THE
RECORDS DEPARTMENT, U.S.
DISTRICT COURT CLERK'S OFFICE.